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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,011	11/13/2003	Philip Sullivan	56.0726	1010
27452	7590	03/02/2006	EXAMINER	
SCHLUMBERGER TECHNOLOGY CORPORATION IP DEPT., WELL STIMULATION 110 SCHLUMBERGER DRIVE, MD1 SUGAR LAND, TX 77478			SELLERS, ROBERT E	
			ART UNIT	PAPER NUMBER
			1712	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/707,011		SULLIVAN ET AL.	
	Examiner		Art Unit	
	Robert Sellers		1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5,-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/4/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The examination of this application has been reassigned to Robert Sellers due to the departure of Charles M. Richard.
2. Great Britain Patent No. 2,332,224 has been supplied and has been considered in the enclosed Information Disclosure Statement filed April 5, 2004.
3. The declaration filed February 10, 2006 contains the proper signature for Stephan Davies and the French citizenship of Isabelle Couillet.
4. The drawings filed February 10, 2006 resolves the problems identified in the non-Final rejection mailed November 4, 2005, pages 2-3, the Drawings section).
5. The substitute specification submitted with the Remarks/Arguments section of the amendment filed February 10, 2006 addresses the difficulties in the specification set forth in the non-Final rejection (pages 3-4, the Specification section). Page 2, paragraph 18 of the specification has been modified to indicate the proper time of 15 minutes for the X-axis maximum in Figure 4.
6. The grammar of claim 12 and the dependency of claim 20 has been changed to overcome the objections thereto.
7. The insertion of the further step of injecting the aqueous suspension into a well in independent claims 1 and 12 along with the change in dependency of claim 17 causes the withdrawal of the 35 U.S.C. 112, second paragraph, rejection.
8. The introduction of the species of colloidal particles of claims 4 and 15 into independent claims 1 and 12, respectively, overcomes the 35 U.S.C. 102(b) rejection over Peiffer Patent No. 4,910,248 which espouses copolymeric colloidal rod-like micelles.

Art Unit: 1712

9. The 35 U.S.C. 103(a) rejections over Joyce et al. Patent No. 5,929,002 in view of either PCT Publication Nos. WO 99/50530 or WO 2003/56130 cannot be applied as long as the claimed colloidal particles are not mica particles which are described in Joyce et al. However, such a limitation constitutes new matter as explained hereinbelow.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 5-14 and 16-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed.

10. There is no support in the specification, particularly page 5, paragraph 25, for the "proviso that the colloidal particles are not mica particulates" inserted into independent claims 1 and 12. There is no mention in the specification that the colloidal particles are not mica. According to MPEP § 2173.05(i) under the section entitled Negative Limitations, "[t]he mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement."

Claims 1 and 11 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Samuel et al. Publication No. 2003/0166471.

The rejection is maintained for the reasons of record set forth in the non-Final rejection. The arguments filed February 10, 2006 have been considered but are unpersuasive.

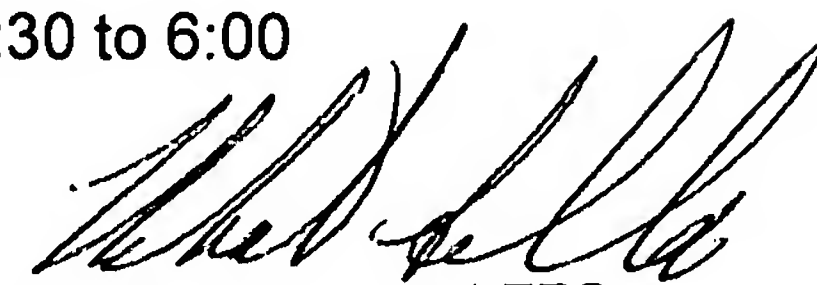
11. Samuel et al. does not require the zwitterionic viscoelastic fluid (page 3, paragraph 23) to be in gel form. Pages 6-7, paragraph 59 discloses the use of the fluid loss pill as a "carrier fluid" for graded solids such as silica (page 7, paragraph 59, line 1), optionally containing a resin or polymer, injected as an aqueous brine solution (page 3, paragraph 22) into a well (page 2, paragraph 19).

The amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

(571) 272-1093 (Fax No. (571) 273-8300)
rs 2/27/2006

Monday to Friday, 9:30 to 6:00


ROBERT E.L. SELLERS
PRIMARY EXAMINER